

Atty. Docket: LUNGBJ/107/PC/US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of: Yanxin Li

Application No.: 10/538,982      Examiner: Alfred Basichas

Filing Date: June 15, 2005      Group Art Unit: 3749

For: Autocontrol Burner and a Combustion Control Method

To: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION OR ELECTION REQUIREMENT**

The Office Communication dated 9/5/2006 for the above application imposed a two way restriction requirement between the asserted inventions of Groups:

- I. Claims 1-14, drawn to a method of combustion control, classified in class 431, subclass 12.
- II. Claims 15-27, drawn to a burner apparatus, classified in class 431, subclass 89.

In order to strictly comply with the Examiner's requirement in the above restriction requirement, and without agreeing to the propriety of the restriction requirement, Applicant elects, with traverse, the invention of Group II, including claims 15-27, drawn to a burner apparatus, classified in class 431, subclass 89.

MPEP section 803 states (underlining added) "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

The restriction requirement respectfully appears too restrictive. The Examiner has not shown it would be a "serious burden" to perform a complete search and examination

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on all of the claims as originally filed. Alternatively, the Examiner has not shown it would be a "serious burden" to perform a complete search and examination on more than just Group II but less than all of the originally filed claims. Since the Examiner has not made any showing of undue burden, each of the above requirements for restriction and election is respectfully traversed and the Examiner is respectfully urged to withdraw or modify the same.

Respectfully submitted,

Yanxin Li

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